

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA

v.

Crim. No. 2:13-00201

RICKY JOE MITCHELL

**DEFENDANT'S MOTION FOR RECONSIDERATION OF ORDER
REQUIRING MONTHLY PAYMENT FOR LEGAL FEES**

Defendant, Rick Mitchell, moves this Court to reconsider its August 16, 2013 Order directing the defendant to make monthly payments of \$200.00 to the Clerk's office to assist in paying for his legal representation in this matter. In support of this Motion, the defendant states as follows:

(1) The defendant's financial status has drastically changed since the time of his August 15, 2013 arraignment. The defendant is currently on unpaid administrative leave with his former employer in Georgia. The defendant's potential employer in California has also withdrawn their offer of employment and the defendant no longer plans to move to California.

(2) Without the income from his former position, the defendant does not have the financial means to continue to make a monthly \$200 payment to the Clerk's office. To date, the defendant has made one such payment on September 6, 2013. (Docket No. 21).

(3) The defendant would ask this Court to vacate its August 16, 2013 Order in consideration of the significant change in the defendant's financial status. The defendant will timely advise his probation officer and counsel should he find other employment.

(4) Counsel has spoken with Thomas C. Ryan, the Assistant U.S. Attorney

assigned to this case, who has advised that the Government has no objection to the defendant's Motion.

For the reason set forth herein, the defendant respectfully requests that this Court reconsider its August 16, 2013 Order, in view of the significant change in the defendant's financial status, and enter an appropriate Order directing that the defendant is no longer responsible for making monthly \$200 payments to the Clerk's office for partial payment for his legal representation.

Respectfully submitted this 12th day of September, 2013.

RICK MITCHELL

By Counsel

**MARY LOU NEWBERGER
FEDERAL PUBLIC DEFENDER**

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **DEFENDANT'S MOTION FOR RECONSIDERATION OF ORDER REQUIRING MONTHLY PAYMENT FOR LEGAL FEES** has been electronically filed with the Clerk of Court this date and served upon opposing counsel as follows:

VIA CM/ECF: Thomas C. Ryan, AUSA
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DATE: September 12, 2013

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